

AMENDED IN ASSEMBLY APRIL 26, 2016  
AMENDED IN ASSEMBLY MARCH 15, 2016  
AMENDED IN ASSEMBLY MARCH 8, 2016  
AMENDED IN ASSEMBLY FEBRUARY 25, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1557**

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**Introduced by Assembly Member Mathis**  
**(Coauthors: Assembly Members Chávez, Chu, Cooley, Cooper,**  
**Harper, Lackey, and Wagner)**  
**(Coauthors: Senators Anderson, Huff, and Runner)**

January 4, 2016

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An act to amend Section 38134 of the Education Code, relating to school facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 1557, as amended, Mathis. School facilities: use by nonprofit youth-organizations: *organizations: recreational youth sports leagues.*

Existing law, known as the Civic Center Act, authorizes the governing board of a school district to grant the use of school facilities or grounds as a civic center, for specified purposes, upon terms and conditions deemed proper by the governing board of the school district. The act requires the governing board of a school district to authorize the use of school facilities or grounds by a nonprofit organization, or by a club or an association organized to promote youth and school activities, including, but not necessarily limited to, the Girl Scouts, the Boy Scouts, Camp Fire USA, the YMCA, a parent-teacher association, or a school-community advisory council. The act authorizes and requires

the governing board of a school district to charge certain fees for use of its school facilities or grounds.

This bill would ~~provide that specifically authorize~~ a governing board of a school district ~~may only charge a nonprofit organization, club, or association primarily organized to promote youth and school activities, including, but not necessarily limited to, the organizations listed above, an amount not to exceed the school district's actual costs for janitorial services and utilities, and public safety services when deemed necessary, for the specific school facilities or grounds used.~~ *to authorize the use of school facilities or grounds by a nonprofit organization, or by a club or an association organized to promote youth and school activities, that is a recreational youth sports league that charges participants an average of no more than \$60 per month.*

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 38134 of the Education Code, as amended  
2 by Section 2 of Chapter 764 of the Statutes of 2012, is amended  
3 to read:  
4 38134. (a) (1) The governing board of a school district shall  
5 authorize the use of school facilities or grounds under its control  
6 by a nonprofit organization, or by a club or an association  
7 organized to promote youth and school activities, including, but  
8 not necessarily limited to, any of the following:  
9 (A) The Girl Scouts; the Boy Scouts; Camp Fire USA; or the  
10 YMCA.  
11 (B) A parent-teacher association.  
12 (C) A school-community advisory council.  
13 (D) *A recreational youth sports league that charges participants*  
14 *an average of no more than sixty dollars (\$60) per month.*  
15 (2) This subdivision does not apply to a group that uses school  
16 facilities or grounds for fundraising activities that are not beneficial  
17 to youth or public school activities of the school district, as  
18 determined by the governing board of the school district.  
19 (b) ~~(1) Except as otherwise provided by paragraph (2) or~~  
20 ~~elsewhere in law, a governing board of a school district may charge~~  
21 ~~an amount not to exceed its direct costs for use of its school~~  
22 ~~facilities or grounds pursuant to this section. A governing board~~

1 of a school district that levies these charges shall first adopt a  
2 policy specifying which activities shall be charged an amount not  
3 to exceed direct costs.

4 ~~(2) The governing board of a school district may only charge a~~  
5 ~~nonprofit organization, club, or association primarily organized~~  
6 ~~to promote youth and school activities, including, but not~~  
7 ~~necessarily limited to, the organizations listed in paragraph (1) of~~  
8 ~~subdivision (a), an amount not to exceed the school district's actual~~  
9 ~~costs for janitorial services and utilities, and public safety services~~  
10 ~~when deemed necessary, for the specific school facilities or grounds~~  
11 ~~used pursuant to this section.~~

12 (c) The governing board of a school district may charge an  
13 amount, not to exceed its direct costs for use of its school facilities  
14 or grounds by the entity using the school facilities or grounds,  
15 including a religious organization or church, that arranges for and  
16 supervises sports league activities for youths as described in  
17 paragraph (6) of subdivision (b) of Section 38131.

18 (d) The governing board of a school district that authorizes the  
19 use of school facilities or grounds for the purpose specified in  
20 paragraph (3) of subdivision (b) of Section 38131 shall charge the  
21 church or religious organization an amount at least equal to the  
22 school district's direct costs.

23 (e) In the case of an entertainment or a meeting where an  
24 admission fee is charged or contributions are solicited, and the net  
25 receipts are not expended for the welfare of the pupils of the school  
26 district or for charitable purposes, a charge equal to fair rental  
27 value shall be levied for the use of the school facilities or grounds.

28 (f) If the use of school facilities or grounds under this section  
29 results in the destruction of school property, the entity using the  
30 school facilities or grounds may be charged for an amount  
31 necessary to repay the damages, and further use of the facilities  
32 or grounds by that entity may be denied.

33 (g) As used in this section:

34 (1) "Direct costs" to the school district for the use of school  
35 facilities or grounds includes all of the following:

36 (A) The share of the costs of supplies, utilities, janitorial  
37 services, services of school district employees, and salaries paid  
38 to school district employees directly associated with the  
39 administration of this section to operate and maintain school

1 facilities or grounds that is proportional to the entity's use of the  
2 school facilities or grounds under this section.

3 (B) The share of the costs for maintenance, repair, restoration,  
4 and refurbishment, proportional to the use of the school facilities  
5 or grounds by the entity using the school facilities or grounds under  
6 this section as follows:

7 (i) For purposes of this subparagraph, "school facilities" shall  
8 be limited to only nonclassroom space, and "school grounds" shall  
9 include, but not necessarily be limited to, playing fields, athletic  
10 fields, track and field venues, tennis courts, and outdoor basketball  
11 courts.

12 (ii) The share of the cost for maintenance, repair, restoration,  
13 and refurbishment shall not apply to:

14 (I) Classroom-based programs that operate after school hours,  
15 including, but not necessarily limited to, after school programs,  
16 tutoring programs, or child care programs.

17 (II) Organizations retained by the school or school district to  
18 provide instruction or instructional activities to pupils during school  
19 hours.

20 (iii) Funds collected under this subparagraph shall be deposited  
21 into a special fund that shall only be used for purposes of this  
22 section.

23 (2) "Fair rental value" means the direct costs to the school  
24 district plus the amortized costs of the school facilities or grounds  
25 used for the duration of the activity authorized.

26 (h) By December 31, 2013, the Superintendent shall develop,  
27 and the state board shall adopt, regulations to be used by a school  
28 district in determining the proportionate share and the specific  
29 allowable costs that a school district may include as direct costs  
30 for the use of its school facilities or grounds.

31 (i) (1) A school district authorizing the use of school facilities  
32 or grounds under subdivision (a) is liable for an injury resulting  
33 from the negligence of the school district in the ownership and  
34 maintenance of the school facilities or grounds. An entity using  
35 school facilities or grounds under this section is liable for an injury  
36 resulting from the negligence of that entity during the use of the  
37 school facilities or grounds. The school district and the entity using  
38 the school facilities or grounds under this section shall each bear  
39 the cost of insuring against its respective risks, and shall each bear  
40 the costs of defending itself against claims arising from those risks.

(2) Notwithstanding any other law, this subdivision shall not be waived. This subdivision does not limit or affect the immunity or liability of a school district under Division 3.6 (commencing with Section 810) of Title 1 of the Government Code for injuries caused by a dangerous condition of public property.

(j) This section shall remain in effect only until January 1, 2020, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2020, deletes or extends that date.

SEC. 2. Section 38134 of the Education Code, as added by Section 3 of Chapter 764 of the Statutes of 2012, is amended to read:

38134. (a) (1) The governing board of a school district shall authorize the use of school facilities or grounds under its control by a nonprofit organization, or by a club or an association organized to promote youth and school activities, including, but not necessarily limited to, any of the following:

(A) The Girl Scouts; the Boy Scouts; Camp Fire USA; or the YMCA.

(B) A parent-teacher association.

(C) A school-community advisory council.

(D) *A recreational youth sports league that charges participants an average of no more than sixty dollars (\$60) per month.*

(2) This subdivision does not apply to a group that uses school facilities or grounds for fundraising activities that are not beneficial to youth or public school activities of the school district, as determined by the governing board of the school district.

(b) ~~(1) Except as otherwise provided by paragraph (2) or elsewhere in law, a governing board of a school district may charge an amount not to exceed its direct costs for use of its school facilities or grounds pursuant to this section. A governing board of a school district that levies these charges shall first adopt a policy specifying which activities shall be charged an amount not to exceed direct costs.~~

~~(2) The governing board of a school district may only charge a nonprofit organization, club, or association primarily organized to promote youth and school activities, including, but not necessarily limited to, the organizations listed in paragraph (1) of subdivision (a), an amount not to exceed the school district's actual costs for janitorial services and utilities, and public safety services~~

1 ~~when deemed necessary, for the specific school facilities or grounds~~  
2 ~~used pursuant to this section.~~

3 (c) The governing board of a school district may charge an  
4 amount, not to exceed its direct costs for use of its school facilities  
5 or grounds by the entity using the school facilities or grounds,  
6 including a religious organization or church, that arranges for and  
7 supervises sports league activities for youths as described in  
8 paragraph (6) of subdivision (b) of Section 38131.

9 (d) The governing board of a school district that authorizes the  
10 use of school facilities or grounds for the purpose specified in  
11 paragraph (3) of subdivision (b) of Section 38131 shall charge the  
12 church or religious organization an amount at least equal to the  
13 school district's direct costs.

14 (e) In the case of an entertainment or a meeting where an  
15 admission fee is charged or contributions are solicited, and the net  
16 receipts are not expended for the welfare of the pupils of the school  
17 district or for charitable purposes, a charge equal to fair rental  
18 value shall be levied for the use of the school facilities or grounds.

19 (f) If the use of school facilities or grounds under this section  
20 results in the destruction of school property, the entity using the  
21 school facilities or grounds may be charged for an amount  
22 necessary to repay the damages, and further use of facilities or  
23 grounds by that entity may be denied.

24 (g) As used in this section:

25 (1) "Direct costs" to the school district for the use of school  
26 facilities or grounds means the costs of supplies, utilities, janitorial  
27 services, services of school district employees, and salaries paid  
28 to school district employees directly associated with the  
29 administration of this section necessitated by the entity's use of  
30 the school facilities or grounds.

31 (2) "Fair rental value" means the direct costs to the school  
32 district plus the amortized costs of the school facilities or grounds  
33 used for the duration of the activity authorized.

34 (h) (1) A school district authorizing the use of school facilities  
35 or grounds under subdivision (a) is liable for an injury resulting  
36 from the negligence of the school district in the ownership and  
37 maintenance of the school facilities or grounds. An entity using  
38 school facilities or grounds under this section is liable for an injury  
39 resulting from the negligence of that entity during the use of the  
40 school facilities or grounds. The school district and the entity using

1 the school facilities or grounds under this section shall each bear  
2 the cost of insuring against its respective risks and shall each bear  
3 the costs of defending itself against claims arising from those risks.

4 (2) Notwithstanding any other law, this subdivision shall not  
5 be waived. This subdivision does not limit or affect the immunity  
6 or liability of a school district under Division 3.6 (commencing  
7 with Section 810) of Title 1 of the Government Code for an injury  
8 caused by a dangerous condition of public property.

9 (i) This section is operative on and after January 1, 2020.